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09/682,151         07/27/2001         Martin E. Kordesch         XDEV1100         5628           7590         01/25/2005         EXAMINER           Thomas R. FitzGerald, Esq.         JACKSON JR, JEROME           16 E. Main Street         ART UNIT         PAPER NUMBER	APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
Thomas R. FitzGerald, Esq.  16 E. Main Street	09/682,151	07/27/2001	Martin E. Kordesch	XDEVI100	XDEV1100 5628	
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		eet		ARTINIT	PAPER NUMBER	
	Rochester, NY 14614-1803			2815		

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Advisory Action	09/682,151	KORDESCH ET AL.				
	Examiner	Art Unit				
	Jerome Jackson Jr.	2815				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.						
PERIOD FOR REPLY [check either a) or b)]						
a) The period for reply expiresmonths from the mailing of						
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.						
2. The proposed amendment(s) will not be entered be	ecause:					
(a) They raise new issues that would require further	er consideration and/or search (	see NOTE below);				
(b) they raise the issue of new matter (see Note b	pelow);					
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d) they present additional claims without canceling a corresponding number of finally rejected claims.						
NOTE:						
3. Applicant's reply has overcome the following reject	tion(s):		·			
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a s	eparate, timely filed	d amendment			
The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.						
6. The affidavit or exhibit will NOT be considered becaused by the Examiner in the final rejection.	cause it is not directed SOLELY	to issues which we	re newly			
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we			and an			
The status of the claim(s) is (or will be) as follows:						
Claim(s) allowed:						
Claim(s) objected to:						
Claim(s) rejected:						
Claim(s) withdrawn from consideration:						
8. The drawing correction filed on is a) app						
□ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)						
10. Other:						

Continuation of 5. does NOT place the application in condition for allowance because: as stated in the rejection the layers of the applied prior art are "substantially co-planar". There are no recitations of exact dimensions which would unequivacally distinguish the claims over the prior art applied. Arguments regarding "quasi-coplanar" as distinguished from "substantially coplanar" are unconvincing of patentability. The recitation "substantially" is not vague and indefinite, however, there are no exact dimensions claimed which would unequivacally distinguish over the prior art applied.

JEROME JACKSON PRINARY EXAMINER